

## Senate Bill No. 909

### CHAPTER 639

An act to amend Section 4582.7 of the Public Resources Code, relating to timber harvesting plans.

[Approved by Governor October 8, 2001. Filed with  
Secretary of State October 9, 2001.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 909, Chesbro. Timber harvest plans.

Existing law allows the Director of Forestry and Fire Protection 15 days from the date that the initial inspection of the submitted timber harvest plan is completed to review the plan and take public comments. Existing law allows the director 10 days after the initial review and public comment period to review the public input, consider recommendations and mitigation measures of other agencies, respond in writing to the issues raised, and determine if the plan is in conformance with law.

This bill would extend the amount of time the director has to review the plan and take public comments to 30 days, instead of 15 days, from the completion of the initial inspection of the timber harvest plan. This time period would include 10 days of public comment after the date of final interagency review. This bill would authorize the director to review the plan and public input for up to 15 days, instead of 10 days, after the final review and public comment period.

This bill would incorporate additional changes in Section 4582.7 of the Public Resources Code proposed by SB 540, that would become operative only if SB 540 and this bill are both chaptered and become effective on or before January 1, 2002, and this bill is chaptered last.

*The people of the State of California do enact as follows:*

SECTION 1. Section 4582.7 of the Public Resources Code is amended to read:

4582.7. (a) The director shall have 30 days from the date that the initial inspection is completed, (10 of these days shall follow the date of final interagency review) or, if the director determines that the inspection need not be made, 15 days from the date of filing, as specified in Section 4604, or a longer period mutually agreed upon by the director and the person submitting the timber harvesting plan, to review the plan and take public comments. After the final review and public comment period has

ended, the director shall have up to 15 working days, or a longer period mutually agreed upon by the director and the person submitting the plan, to review the public input, to consider recommendations and mitigation measures of other agencies, to respond in writing to the issues raised, and to determine if the plan is in conformance with the rules and regulations of the board and with this chapter.

(b) If the director determines that the timber harvesting plan is not in conformance with the rules and regulations of the board or with this chapter, the director shall return the plan, stating his or her reasons in writing, and advising the person submitting the plan of the person's right to a hearing before the board, and timber operations shall not commence.

(c) A person to whom a timber harvesting plan is returned may, within 10 days from the date of receipt of the plan, request of the board a public hearing before the board. The board shall schedule a public hearing to review the plan to determine if the plan is in conformance with the rules and regulations of the board and with this chapter. Timber operations shall await board approval of the plan. Board action shall occur within 30 days from the date of the filing of the appeal, or a longer period mutually agreed upon by the board and the person filing the appeal.

(d) If the timber harvesting plan is not approved on appeal to the board, the plan may be found to be in conformance by the director within 10 days from the date of the board action, provided that the plan is brought into full conformance with the rules and regulations of the board and with this chapter. If the director does not act within 25 days, or a longer period mutually agreed upon by the director and the person submitting the plan, timber operations may commence pursuant to the plan, and all provisions of the plan shall be followed as provided in this chapter.

(e) Upon the request of a responsible agency, the director shall consult with that agency, pursuant to this chapter, but the director, or his or her designee within the department, shall have the final authority to determine whether a timber harvesting plan is in conformance with the rules and regulations of the board and with this chapter.

SEC. 1.5. Section 4582.7 of the Public Resources Code is amended to read:

4582.7. (a) The director shall have 30 days from the date that the initial inspection is completed, (10 of these days shall follow the date of final interagency review) or, if the director determines that the inspection need not be made, 15 days from the date of filing, as specified in Section 4604, or a longer period mutually agreed upon by the director and the person submitting the timber harvesting plan, to review the plan and take public comments. After the final review and public comment period has ended, the director shall have up to 15 working days, or a longer period



mutually agreed upon by the director and the person submitting the plan, to review the public input, to consider recommendations and mitigation measures of other agencies, to respond in writing to the issues raised, and to determine if the plan is in conformance with the rules and regulations of the board and with this chapter.

(b) If the director determines that the timber harvesting plan is not in conformance with the rules and regulations of the board or with this chapter, the director shall return the plan, stating his or her reasons in writing, and advising the person submitting the plan of the person's right to a hearing before the board, and timber operations shall not commence.

(c) A person to whom a timber harvesting plan is returned may, within 10 days from the date of receipt of the plan, request of the board a public hearing before the board. With the concurrence of the person to whom a timber harvesting plan is returned, the board of supervisors of a county in which the proposed timber operations are located may also request of the board a public hearing before the board on behalf of the plan submitter. The board shall schedule a public hearing to review the plan to determine if the plan is in conformance with the rules and regulations of the board and with this chapter. Timber operations shall await board approval of the plan. Board action shall occur within 30 days from the date of the filing of the appeal, or a longer period mutually agreed upon by the board and the person filing the appeal.

(d) If the timber harvesting plan is not approved on appeal to the board, the plan may be found to be in conformance by the director within 10 days from the date of the board action, provided that the plan is brought into full conformance with the rules and regulations of the board and with this chapter. If the director does not act within 25 days, or a longer period mutually agreed upon by the director and the person submitting the plan, timber operations may commence pursuant to the plan, and all provisions of the plan shall be followed as provided in this chapter.

(e) Upon the request of a responsible agency, the director shall consult with that agency, pursuant to this chapter, but the director, or his or her designee within the department, shall have the final authority to determine whether a timber harvesting plan is in conformance with the rules and regulations of the board and with this chapter.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 4582.7 of the Public Resources Code proposed by both this bill and SB 540. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2002, (2) each bill amends Section 4582.7 of the Public Resources Code, and (3) this bill is enacted



after SB 540, in which case Section 1 of this bill shall not become operative.

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